

DOCKET FILE COPY ORIGINAL  
Before the  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED

JUL 10 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Advanced Television Systems )  
and Their Impact Upon the )  
Existing Television Broadcast )  
Service )

MM Docket No. 87-268

TO: The Commission

#### **SUPPORT OF COMMISSION PROCEDURES BY MSTV AND NAB**

Last week the Commission took two steps: it (1) released OET Bulletin No. 69 and established certain procedures for limited supplementary filings in light of the Bulletin and (2) published in the Federal Register notice of the 232 petitions for reconsideration of the Fifth Report & Order, FCC 97-116 (rel. April 21, 1997) and the Sixth Report & Order, FCC 97-115 (rel. April 21, 1997) thereby establishing deadlines for future oppositions and replies of July 18 and 30, respectively. The Association for Maximum Service Television ("MSTV") and the National Association of Broadcasters ("NAB") endorses both steps.

OET Bulletin No. 69 sets forth the methodology stations should use to calculate service and interference in the new DTV environment. This in turn will allow stations to evaluate with specificity the DTV allotments/assignments made in the Sixth Report & Order and alternative channel and facility possibilities. The Commission also appropriately provided additional time for petitioners for reconsideration that had raised questions about specific DTV assignments to supplement their petitions in these respects

No. of Copies rec'd  
List ABOVE

029

in light of OET Bulletin No. 69. Just as significantly, the Commission did not extend the present deadline for filing oppositions and replies with regard to petitions for reconsideration of the Fifth and Sixth Reports & Orders. We agree that these deadlines should not be extended.

The result of the two steps taken together is a bifurcated pleading schedule. All general policy questions are to be resolved within the normal pleading cycle. Because of the narrowness of its scope, OET Bulletin No. 69 does not bear materially on these issues and, therefore, does not justify a delay of these filing deadlines. But since the Bulletin does bear on specific channel assignment and facility proposals, a further opportunity to supplement those portions of already-filed petitions for reconsideration dealing with these proposals is appropriate.

A different approach might have been called for if OET Bulletin No. 69 had addressed or significantly affected the general policy matters at issue in this proceeding. Since it does not, they should remain subject to the normal pleading cycle described above. In its general policy determinations, the Commission should, among other things:

- clarify what constitutes *de minimis* interference for purposes of allowing DTV stations to increase DTV facility power or height or to change DTV channels;
- designate as DTV stations' protected contour the service area shown in Appendix B to the Sixth Report & Order or their NTSC Grade B contour, whichever is larger;

- specifically empower the proposed frequency coordinating committees to facilitate the processing of further proposed facility changes in the future according to objective guidelines established by the Commission; and
- resolve the outstanding issues outlined in the Petition for Clarification and Partial Reconsideration filed by MSTV, The Broadcasters Caucus and Other Broadcasters in a single clear order, rather than in miscellaneous guidance documents (pp. 23-49).

As noted, we believe that some period of time is appropriate for supplementing, based on the OET Bulletin No. 69, specific channel concerns that were identified in earlier petitions for reconsideration. But many petitions that cited specific DTV assignment problems explicitly recognized that they could not be resolved except by the regional fixes that MSTV and other industry members have pledged to submit to the Commission after giving opportunity to the affected stations to review their initial proposals. These regional fixes will be submitted to the Commission by the end of September. While these proposals may not ultimately attain unanimous support from all affected stations, the prospects for industry consensus in support of these proposals will be improved by setting aside a significant period for their consideration by these stations. That is why, unlike individual channel adjustments, these regional solutions cannot be submitted until after August 22.

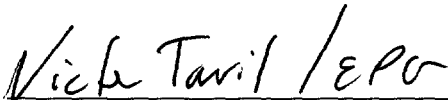
By considering the policy issues first and then the individual DTV channel issues in the context of the regional fixes that MSTV and possibly others will submit, the

Commission will advance the goal of an efficient and rapid roll-out. Resolution of the policy issues may moot many of the individual petitions. Perhaps even more so, proposed regional solutions could resolve the majority of petitions that hail from the three most congested parts of the country.

In addition, by effectuating the proposal for DTV coordinating committees, the Commission would ensure that efficient adjustments to DTV channel allotments/assignments are made in the future.

Respectfully submitted,

ASSOCIATION FOR MAXIMUM  
SERVICE TELEVISION, INC.



Victor Tawil  
Senior Vice President  
Association for Maximum  
Service Television, Inc.  
1776 Massachusetts Avenue, NW  
Suite 310  
Washington, DC 20036  
Phone: (202) 861-0344  
Fax: (202) 861-0342



Jonathan D. Blake  
Ellen P. Goodman  
Covington & Burling  
1201 Pennsylvania Avenue, NW  
Post Office Box 7566  
Washington, DC 20044-7566  
Phone: (202) 662-6000  
Fax: (202) 662-6291

Its Attorneys

NATIONAL ASSOCIATION OF  
BROADCASTERS

/s/ Henry L. Baumann

Henry L. Baumann  
Executive VP & General Counsel  
Valerie G. Schulte  
Deputy General Counsel  
1771 N Street. N.W.  
Washington, DC 20036  
Phone: (202) 429-5458  
Fax: (202) 429-3526

July 10, 1997